

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA)	
)	CASE NO. CR 1:18-CR-45
v.)	
)	
TIMOTHY PATE)	
a/k/a "AKENATEN ALI")	

**UNITED STATES' MOTION TO
RESTRICT DEFENDANT'S MAIL PRIVILEGES**

The United States requests the Court order that Defendant Timothy Pate's outgoing mail privileges be restricted to mail addressed to his counsel of record only.

Defendant is charged and awaits trial on twenty-one felony counts; sixteen arise from filing false retaliatory liens against federal officials, including federal judges and court staff in the Southern District of Georgia. Doc. No. 21. Several other counts arise from liens filed in this District's public docket. Defendant requested to proceed pro se, but he prevented the Court from engaging in a *Faretta* hearing. *See generally* Doc. No. 17. Consequently, the Court appointed Counsel for Defendant on September 7, 2018. Doc. No. 18.

Throughout this case, Defendant has appeared in Court several times; each time, he has been ordered removed for obstreperous behavior. Defendant was ordered detained pending trial, and he is currently awaiting designation by the Bureau of Prisons to a facility for his competency evaluation. When not in Court, Defendant has written and submitted various filings to the District Court Clerk's Office in his criminal case, *see* Doc. Nos. 20, 25, 27, 30, 31, 33, and his since-dismissed federal civil

case in 1:17-CV-126-JRH-BKE, *see* Docs. No. 82–93 (“Civil Doc.”). At the last hearing in this case on October 30, the Court instructed Defendant that he was represented by Counsel and that he should not file documents directly with the Court. *Cf.* S.D. Ga. LCrR 44.2 (“Absent prior leave of Court, a defendant represented by counsel may not file a motion, brief, or other paper *pro se*, except for a motion for the appointment of new counsel or a motion to proceed *pro se*.”). Defendant did not heed that call as he subsequently filed various documents with the Court concerning his case.

Defendant’s filings are not benign. In one, for instance, he attempted to enter a “default judgment of GUILTY against [Judge] Raymond Stanley Baker Junior.” Doc. No. 25 at 1. Defendant warned that “[w]ithin the next seven (7) days a UCC lien will be filed against [Judge Baker] as shown in the original claim.” *Id.*; *see also* Doc. No. 27 (“Affidavit of Presentment of Liability” against “Benjamin Cheesdor [sic]”). Given Defendant’s past conduct involving the filing of liens, the United States takes Defendant’s threats seriously. Further, Defendant’s filings takes aim at a number of individuals against whom he has already filed liens. *See, e.g.*, Civil Doc. No. 83 (“Affidavit of Presentment for Liability” against a victim with the initials D.D.D.).

With respect to limiting a defendant’s mail, courts have recognized their “inherent power to protect witnesses,” and a more general power to “protect[] the administration of justice from abuses, oppression injustice.” *United States v. Wheeler*, 640 F.2d 1116, 1123 (9th Cir. 1981) (quoting *Bitter v. United States*, 389 U.S. 15, 16

(1976)); *see also* 28 C.F.R. § 540.15(a)(5) (allowing a BOP warden to restrict a prisoner's mail based on a number of factors including "[t]hreatening a government official; or [h]aving committed an offense involving the mail").

In light of Defendant's repeated filings, his unwillingness to abide by rules prohibiting pro se filings when represented by counsel, and the danger posed by his filings, the United States requests that the Court order Defendant's outgoing mail be limited to mail matter addressed to his counsel of record, Justin D. Maines. The United States has conferred with Defendant's counsel, and he is unopposed to the instant Motion.

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Chris Howard
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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this Court.

Respectfully submitted, this 23rd day of November 2018.

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

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